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9 Attorneys for Defendant
10 CITY OF SACRAMENTO

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 SACRAMENTO HOMELESS UNION, a
14 local of the CALIFORNIA HOMELESS
15 UNION/STATEWIDE ORGANIZING
16 COUNCIL, on behalf of itself and those it
17 represents; BETTY RIOS; DONTA
18 WILLIAMS; FALISHA SCOTT and all
19 those similarly situated,

20 Plaintiffs,

21 vs.

22 COUNTY OF SACRAMENTO, a political
23 subdivision of the State of California; CITY
24 OF SACRAMENTO, a municipal
25 corporation; and DOES 1 – 100,

26 Defendants.

Case No.: 2:22-cv-01095-TLN-KJN

ANSWER OF DEFENDANT CITY OF
SACRAMENTO AND DEMAND
FOR JURY TRIAL

27 Defendant CITY OF SACRAMENTO, (hereinafter "Defendant") answers the
28 Complaint (hereinafter "Complaint") of Plaintiff SACRAMENTO HOMELESS UNION, A
LOCAL OF THE CALIFORNIA HOMELESS UNION/STATEWIDE ORGANIZING
COUNCIL, ON BEHALF OF ITSELF AND THOSE IT REPRESENTS; BETTY RIOS;
DONTA WILLIAMS; FALISHA SCOTT AND ALL THOSE SIMILARLY SITUATED,,

as follows:

1. Defendant denies the allegations in Paragraph 1.

2. Defendant denies the allegations in Paragraph 2.

3. Defendant denies the allegations in Paragraph 3.

4. Defendant denies the allegations in Paragraph 4.

5. Defendant denies the allegations in Paragraph 5.

6. Defendant denies the allegations in Paragraph 6.

7. Defendant denies the allegations in Paragraph 7.

8. Defendant denies the allegations in Paragraph 8.

9. Defendant denies the allegations in Paragraph 9.

10. Defendant denies the allegations in Paragraph 10.

11. Paragraph 11 sets forth arguments and/or legal conclusions, as opposed to factual allegations, to which no response is required, and on that ground, Defendant denies each and every allegation contained therein.

12. Defendant has no information or belief to enable it to answer the allegations of Paragraph 12 of the Complaint, and accordingly, denies each and every allegation contained therein.

13. Defendant has no information or belief to enable it to answer the allegations of Paragraph 13 of the Complaint, and accordingly, denies each and every allegation contained therein.

14. Defendant has no information or belief to enable it to answer the allegations of Paragraph 14 of the Complaint, and accordingly, denies each and every allegation contained therein.

15. Defendant has no information or belief to enable it to answer the allegations of Paragraph 15 of the Complaint, and accordingly, denies each and every allegation contained therein.

16. Defendant has no information or belief to enable it to answer the allegations of Paragraph 16 of the Complaint, and accordingly, denies each and every allegation contained

1 therein.

2 17. Paragraph 17 sets forth arguments and/or legal conclusions, as opposed to factual
3 allegations, to which no response is required, and on that ground, Defendant denies each and
4 every allegation contained therein.

5 18. Paragraph 18 sets forth arguments and/or legal conclusions, as opposed to factual
6 allegations, to which no response is required, and on that ground, Defendant denies each and
7 every allegation contained therein.

8 19. Defendant denies the allegations in Paragraph 19.

9 20. Defendant denies the allegations in Paragraph 20.

10 21. Defendant denies the allegations in Paragraph 21.

11 22. Paragraph 22 sets forth arguments and/or legal conclusions, as opposed to factual
12 allegations, to which no response is required, and on that ground, Defendant denies each and
13 every allegation contained therein.

14 23. Paragraph 23 sets forth arguments and/or legal conclusions, as opposed to factual
15 allegations, to which no response is required, and on that ground, Defendant denies each and
16 every allegation contained therein.

17 24. Paragraph 24 sets forth arguments and/or legal conclusions, as opposed to factual
18 allegations, to which no response is required, and on that ground, Defendant denies each and
19 every allegation contained therein.

20 25. Paragraph 25 sets forth arguments and/or legal conclusions, as opposed to factual
21 allegations, to which no response is required, and on that ground, Defendant denies each and
22 every allegation contained therein.

23 26. Defendant denies the allegations in Paragraph 26.

24 27. Paragraph 27 sets forth arguments and/or legal conclusions, as opposed to factual
25 allegations, to which no response is required, and on that ground, Defendant denies each and
26 every allegation contained therein.

27 28. Paragraph 28 sets forth arguments and/or legal conclusions, as opposed to factual
28 allegations, to which no response is required, and on that ground, Defendant denies each and

1 every allegation contained therein.

2 29. Defendant denies the allegations in Paragraph 29.

3 30. Defendant denies the allegations in Paragraph 30.

4 31. Defendant denies the allegations in Paragraph 31.

5 32. Defendant denies the allegations in Paragraph 32.

6 33. Defendant denies the allegations in Paragraph 33.

7 34. Defendant denies the allegations in Paragraph 34.

8 35. Defendant denies the allegations in Paragraph 35.

9 36. Paragraph 36 sets forth arguments and/or legal conclusions, as opposed to factual
10 allegations, to which no response is required, and on that ground, Defendant denies each and
11 every allegation contained therein.

12 37. Paragraph 37 sets forth arguments and/or legal conclusions, as opposed to factual
13 allegations, to which no response is required, and on that ground, Defendant denies each and
14 every allegation contained therein.

15 38. Paragraph 38 sets forth arguments and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground, Defendant denies each and
17 every allegation contained therein.

18 39. Paragraph 39 sets forth arguments and/or legal conclusions, as opposed to factual
19 allegations, to which no response is required, and on that ground, Defendant denies each and
20 every allegation contained therein.

21 40. Defendant denies the allegations in Paragraph 40.

22 41. Defendant denies the allegations in Paragraph 41.

23 42. Paragraph 42 sets forth arguments and/or legal conclusions, as opposed to factual
24 allegations, to which no response is required, and on that ground, Defendant denies each and
25 every allegation contained therein.

26 43. Paragraph 43 sets forth arguments and/or legal conclusions, as opposed to factual
27 allegations, to which no response is required, and on that ground, Defendant denies each and
28 every allegation contained therein.

1 44. Paragraph 44 sets forth arguments and/or legal conclusions, as opposed to factual
2 allegations, to which no response is required, and on that ground, Defendant denies each and
3 every allegation contained therein.

4 45. Defendant denies the allegations in Paragraph 45.

5 46. Paragraph 46 sets forth arguments and/or legal conclusions, as opposed to factual
6 allegations, to which no response is required, and on that ground, Defendant denies each and
7 every allegation contained therein.

8 47. Paragraph 47 sets forth arguments and/or legal conclusions, as opposed to factual
9 allegations, to which no response is required, and on that ground, Defendant denies each and
10 every allegation contained therein.

11 48. Defendant denies the allegations in Paragraph 48.

12 49. Paragraph 49 sets forth arguments and/or legal conclusions, as opposed to factual
13 allegations, to which no response is required, and on that ground, Defendant denies each and
14 every allegation contained therein.

15 50. Paragraph 50 sets forth arguments and/or legal conclusions, as opposed to factual
16 allegations, to which no response is required, and on that ground, Defendant denies each and
17 every allegation contained therein.

18 51. Defendant denies the allegations in Paragraph 51.

19 52. Defendant has no information or belief to enable it to answer the allegations of
20 Paragraph 52 of the Complaint, and accordingly, denies each and every allegation contained
21 therein.

22 53. Defendant has no information or belief to enable it to answer the allegations of
23 Paragraph 53 of the Complaint, and accordingly, denies each and every allegation contained
24 therein.

25 54. Defendant has no information or belief to enable it to answer the allegations of
26 Paragraph 54 of the Complaint, and accordingly, denies each and every allegation contained
27 therein.

28 55. Paragraph 55 sets forth arguments and/or legal conclusions, as opposed to factual

1 allegations, to which no response is required, and on that ground, Defendant denies each and
2 every allegation contained therein.

3 **AFFIRMATIVE DEFENSES**

4 As and for separate and distinct affirmative defenses, Defendant alleges as follows:

5 **FIRST AFFIRMATIVE DEFENSE**

6 [Failure to State a Cause of Action]

7 Plaintiffs' complaint, and each cause of action contained therein, fails to state the facts
8 sufficient to constitute a cause of action against Defendant.

9 **SECOND AFFIRMATIVE DEFENSE**

10 [Statute of Limitations]

11 The claims for relief alleged in the complaint are barred by the applicable statute of
12 limitations.

13 **THIRD AFFIRMATIVE DEFENSE**

14 [Tort Claims Act]

15 Plaintiffs claim is barred for failure to comply with the California Tort Claims Act.

16 **FOURTH AFFIRMATIVE DEFENSE**

17 [Comparative Fault - Plaintiff]

18 Plaintiffs are barred from recovery, in whole or part, because his sole or partial negligence
19 was the proximate cause of the acts and events alleged in the complaint.

20 **FIFTH AFFIRMATIVE DEFENSE**

21 [Comparative Fault - Third Parties]

22 Plaintiffs are barred from recovery from Defendant, in whole or part, because the sole or
23 partial negligence of third parties was the proximate cause of the acts and events alleged in the
24 complaint.

25 **SIXTH AFFIRMATIVE DEFENSE**

26 [Assumption of the Risk]

27 Plaintiffs freely and voluntarily assumed the risk of injury and damage alleged in the
28 complaint with full knowledge and appreciation of the magnitude thereof.

SEVENTH AFFIRMATIVE DEFENSE

[Government Code - Immunities]

Each act or omission alleged in the complaint falls within the immunities and defenses described in sections 800 through 995 of the California Government Code, including but not limited to, sections 815.2, 818.8, 820.2, 821.2, 822.2, 830.2, 830.4, 830.6, 830.8, 830.9, 831, 831.2, 835.4, 840.2, 840.4, 840.6, and 845.8.

EIGHTH AFFIRMATIVE DEFENSE

[Good Faith]

Defendant alleges it has acted in good faith and without wrongful intent at all times alleged in the complaint.

NINTH AFFIRMATIVE DEFENSE

[Arrest/Force]

Each act or omission alleged in the complaint falls within the immunities and privileges set forth in the California Penal Code, including but not limited to, sections 834, 834a, 835, 836, and 836.5.

WHEREFORE, Defendant requests:

1. That Plaintiffs take nothing from Defendant herein and that judgment be awarded in favor of Defendant;

2. That Defendant recover its reasonable costs incurred in the defense of this action; and

3. For such other and further relief as the court may deem proper.

DEMAND FOR JURY TRIAL

NOTICE IS HEREBY GIVEN that Defendant City of Sacramento, demands a jury trial in the above-entitled action pursuant to the provisions of Rule 38 of the Federal Rules of Civil Procedure and the Seventh Amendment of the United States Constitution.

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1 DATED: August 3, 2022

SUSANA ALCALA WOOD,
City Attorney

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3 By: /s/ CHANCE L. TRIMM

4 CHANCE L. TRIMM
5 Senior Deputy City Attorney

6 Attorneys for the
7 CITY OF SACRAMENTO
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